

Date of Decision : 4th July, 1996.

Special Civil Application No.1203 of 1980.

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For Approval and Signature

The Honourable Mr.Justice S.K. KESHOTE.

1. Whether Reporters of Local Papers may be allowed to see the judgment? - No.
2. To be referred to the Reporter or not? - No.
3. Whether their Lordships wish to see the fair copy of judgment? - No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? - No.
5. Whether it is to be circulated to the Civil Judge? - No.

Shri S.M. Mazgaonkar, Advocate, for Mr.S.N. Shelat,
Advocate, for the petitioner.
None present for the respondent.

Coram : S.K. KESHOTE, J.
(4th July, 1996)

C.A.V. Judgment :-

Perused the file. The petitioners, in all four in number, filed this Special Civil Application before this Court, praying for the issue of a writ of mandamus or any other writ, order or direction, declaring Government Resolution dated 5th November, 1977, amending the Gujarat Civil Services (Revision of Pay) Rules, 1975 as invalid in so far as the petitioners are concerned and directing the State Government to prescribe same scale for the Second Engineers and Chief Officers on par with the pay scale of Electrical Officers, considering all the relevant factors for determination of the pay scales. By way of an amendment, a further consolidated relief has been prayed. The counsel for the petitioners has not provided assistance to the Court, though he is present. The Maritime Board has also not provided any assistance either by filing a reply to the Special Civil Application or by making oral submissions. None has appeared before this Court on behalf of the respondents. The nature of the grievance which has been made in this writ petition needs to go on many factual aspects. Before approaching this Court, the petitioners filed a representation to the employer. A copy of the same has been filed as Annexure 'E'. The petitioners are praying for the parity of pay scales, which have been given to the Electrical Officers, as prescribed by the Government under the revised pay scale. In the absence of the reply to the writ petition, it is difficult to adjudicate upon the grievance of the petitioners. In view of these facts, the interest of justice will be met in case the writ petition is disposed of with the direction that the petitioners may file a detailed representation regarding their grievance to the State of Gujarat as well as the Gujarat Maritime Board and the aforesaid authorities will consider the same on merits. In case the grievances of the petitioners are not acceptable, the aforesaid authorities will pass a speaking order. It is also expected that both the aforesaid authorities will sit together and decide the grievances of the petitioners, taking a conscious decision. The reasoned order, in case the grievances made by the petitioners are not acceptable, should be sent to them by registered post. It shall be open to the petitioners to approach this Court again if necessity arises. Rule is made absolute in the aforesaid terms.

(apj)